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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,614	04/02/2001	L. Scott Rich	RSW9-2001-0073-US1	1069
7590	10/21/2005			
Theodore Naccarella Synnestvedt & Lechner 2600 Aramark Tower 1101 Market Street Philadelphia, PA 19107-2950			EXAMINER AVELLINO, JOSEPH E	
			ART UNIT 2143	PAPER NUMBER

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/824,614	Applicant(s) RICH ET AL.	
	Examiner Joseph E. Avellino	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 8/11/05.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-15 are presented for examination with claims 1, 5, 6, and 12 independent.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 8, 2005 has been entered.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 1 recites the limitation "said data units" in the preamble. This lacks antecedent basis. Correction is required.

***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-9, and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants Admitted Prior Art as defined by the Specification Background pages 1-7 and Figure 1 (hereinafter AAPA), in view of Kumar (USPN 6,651,140).

7. Referring to claim 1, AAPA discloses a method for exchanging objects between two computing entities in an OOP environment using a transport mechanism in which said data units are contained in files, each file defining a resource, each resource designed to contain a plurality of particular ones of said objects, said method comprising the steps of:

providing a resource factory for building resources, said factory including a plurality of software modules for building resources from a data source, each said software module designed to build a resource of a particular type (p. 7, lines 1-5);

responsive to a request for an object from a first computing entity, selecting a software module for building a resource of the type to which said requested object corresponds (p 7, lines 1-10);

building a resource for containing the requested object using said selected software module, said resource populated with information defining said resource (p.7, lines 10-15);

inserting said requested object into said resource (p. 7, lines 1-15);

transmitting said resource to said first computing entity using said transport mechanism (Figure 1, ref. 107); and

providing said requested object to the first computing entity (Figure 1, ref. 109).

AAPA does not specifically disclose building a resource for containing the request object but not containing said requested object. In analogous art, Kumar discloses another system for exchanging objects between two computing entities wherein the resource (i.e. new object) is built and then inserting said object into said resource (i.e. copying each member variable of the cached object into the new object, this step cannot be executed until such time after the object has been instantiated) (col. 6, lines 48-65). It would have been obvious to one of ordinary skill in the art to combine the teaching of AAPA with Kumar in order to allow efficient retrieval of actual cached objects rather than returning a reference to a cached object as supported by Kumar (col. 6, lines 38-65).

8. Referring to claim 2, AAPA in view of Kumar disclose only said requested object is inserted in said resource (i.e. only the cached object is inserted into the new object to be transferred to the client computer) (col. 6, lines 40-65).

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9. Referring to claim 3, AAPA discloses providing a reflection adapter factory for populating objects within resources, said factory adapted to provide software modules for populating objects, each said software module designed for an environment corresponding to a requested object (p. 7, lines 1-9); and

responsive to a request for a property of said object, selecting a one of said reflection adapters for the environment of the particular requested property (p. 7, ¶ 1-9); and

providing said first computing unit said requested property (p. 7, lines 10-20).

AAPA does not specifically state populating said object with said requested property. In analogous art, Kumar discloses populating the new object with each member variable of the cached object (col. 6, lines 50-66). It would have been obvious to one of ordinary skill in the art to combine the teaching of AAPA with Kumar in order to allow efficient retrieval of actual cached objects rather than returning a reference to a cached object as supported by Kumar (col. 6, lines 38-65).

10. Referring to claim 4, AAPA in view of Kumar further discloses populating said object with all properties of said object that can be reflected (i.e. each member variable is copied, and is therefore populated in the object) (Kumar, col. 6, lines 50-66). It would have been obvious to one of ordinary skill in the art to combine the teaching of AAPA with Kumar in order to allow efficient retrieval of actual cached objects rather than returning a reference to a cached object as supported by Kumar (col. 6, lines 38-65).

11. Claims 5 and 6 are rejected for similar reasons as stated above.
12. Referring to claim 7, AAPA discloses said transport mechanism comprises XML and said files comprise XML documents (p. 7, lines 15-20).
13. Referring to claim 8, AAPA discloses said objects comprise Java objects (p. 3, line 18 to p. 4, line 8).
14. Referring to claim 9, AAPA discloses said files comprise XML documents (p. 6, lines 9-16).
15. Referring to claim 11, AAPA discloses said information defining said resource comprises at least a package object of said resource (any object which is incorporated into a resource inherently helps define the resource) (p. 3, line 18 to p. 4, line 8)
16. Referring to claim 13, AAPA discloses said data source for building is a live system (i.e. a properly working computer system) (p. 6, lines 3-7).
17. Referring to claim 14, AAPA discloses said data source for building comprises a database (i.e. a database is just a collection of entities) (p. 6, lines 8-16).

18. Referring to claim 15, AAPA discloses said data source for building said resources comprises a document in a format other than a format of said transport mechanism (i.e. Java constructs embedded in XML documents) (p. 7, lines 15-20).

Claim 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Kumar in view of Francis et al. (USPN 6,665,861) (hereinafter Francis).

19. Referring to claim 10, AAPA in view of Kumar discloses the invention substantively as described in claim 9. AAPA in view of Kumar does not specifically disclose using the MOF of the OMG specification to read an XML document. In analogous art, Francis discloses using the MOF of the OMG specification to read an XML document (col. 7, lines 11-22). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Francis with AAPA and Kumar since Kumar discloses returning the cloned data through the network 101 to the client 301 (col. 8, lines 5-10), however does not disclose as to the specifics of the format of the transport or how the document is packaged for transport. This would lead one of ordinary skill in the art to find other techniques to transport data to a server, in which Francis does by using the Meta-Object Facility of the OMG specification.



***Response to Amendment***

20. The Office has considered the amendments to the claims to overcome rejections under 35 USC 112, first, second and fourth paragraph. These rejections are withdrawn in light of these amendments.

***Response to Amendment***

21. The declaration filed on July 22, 2005 under 37 CFR 1.131 is sufficient to overcome the Dorsett reference.

***Response to Arguments***

22. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEA  
October 14, 2005



JEFFREY PWC  
PRIMARY EXAMINER